

**Town of Kinderhook  
Planning Board Workshop  
June 13, 2013**

Approved

**Minutes**

The workshop meeting of the Town of Kinderhook Planning Board was held on Thursday, June 13, 2013 beginning at 7:07pm at the Kinderhook Town Hall, 4 Church Street, Niverville, NY. The Meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

**A. Roll Call**

Present:

Mary Keegan-Cavagnaro, Chairwoman  
Andrew Howard, Attorney  
Patrick Prendergast, Engineer  
Peter Haemmerlein  
Guy Rivenburgh  
William Butcher  
Jake Samascott  
Dale Berlin  
Daniel Weiller  
Nataly Dee, Secretary

Excused:

Chris Simonsen  
Cheryl Gilbert

Absent:

None

**B. Correspondence**

1. Review of Minutes:

May 9, 2013  
May 16, 2013

Pending review for approval next month.

**D. Old Business**

1. Laguesse – Site Plan Review – 3340 US Route 9

There was no one in attendance to represent this application. No new information has been provided.

**E. New Business**

1. Henry Kazer: Major Subdivision on County Route 28 & Orinsekwa Road

Mr. William Better, representing the applicant addressed the Board. Mr. Better also introduced Peter VanAlstyne, Land Surveyor for the project. He supplied the Board with additional supplemental documentation to accompany the application. He described the location and the history of the property. There are currently five houses along Route 28, there is a long private road, the lot is approximately 100 acres, and has about 5 rentals in the back. The property is owned by the applicant and his brother. The applicant proposes to divide the property, sell the houses along Route 28, create some new parcels and retain the remained of the land and houses that exist in the back. The area is zoned R3, calling for three acre lots. Mr. Better stated that there is an anomaly in the ordinance. The density control schedule indicates that while it is zoned three acre lots, the minimum lot size is 1.5 acres. Would that relate to a cluster subdivision? The new proposed lots will be 3 acres each. The proposal would make the lots large enough to comply with current Health Department regulations. The remainder of the parcel will be for the Kazers. The access road will remain the same. The applicant also proposes to conserve an additional 11.25 acres which will remain undevelopable. Mr. Better stated that the use is consistent with the neighborhood. The existing houses are currently rentals. The wells are in the front and septics in the back. The Board inquired about soil testing on the property. It was indicated that the soil is really good. The existing houses are thought to be one family houses. It was noted that the lots across the road are .5 acres. Mr. Prendergast inquired when the wetlands on the property were last flagged by the Department of Environmental Conservation. If it hasn't been flagged in the last three years it should be. Mr. Prendergast suggested that the wetlands closest to the proposed lots be flagged and noted on the plans.

A discussion ensued about how the Board would like the applicant to proceed with the project. It was posed that the project could be done in stages. It was thought that the project should be presented as one

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application. The acreage of and percentages of the proposed conserved area was discussed. Clustering and Health Department regulations were also discussed. The condition and nature of the pre-existing structures currently occupied as rental residences on the proposed rear lot was discussed. It was proposed that a covenant be placed on the deed.

The Board requested that the applicant conduct soil testing, perk tests and deep-hole tests for the proposed lots. The wetlands should be flagged. Additionally, curb cuts and highway permits will be required for the new lots.

The applicant will return for next month's workshop with an update.

2. Club Life: Sports and Fitness: US Route 9. Proposed use: Gym

Mr. William Better, representing the applicant Mr. Rosenstrach, addressed the Board. The next item on the agenda is also for a Club Life use and is from the same applicant. Plans of the location were distributed and reviewed by the Board. The applicant is proposing to do two things necessitating two applications. The applicant taking over the space previously occupied by a Tai Kwon Do studio, and would like to create a health club. There would be typical health club equipment, cardio machines, weight, etc. The question is does it constitute a change of use? In the adjacent space, the applicant proposes to construct an indoor sports facility with soccer fields, trampolines, party space, etc. The combined area is approximately 80,000 sq feet. Sports and Fitness is the health club. Sports Zone is the sports complex. No proposed interior connection between the two. Is site plan approval required for both establishments? The situation of the bathroom facilities was addressed. It was stated that there are bathrooms in the proposed Sports and Fitness facility. The parking requirements would not change from what is already there. It was determined that Club Life: Health & Fitness would not require site plan approval or change of use. However, the Board determined that Club Life: Sports Zone would require site plan approval. A memo will be sent to the Building Department stating that the conversion does not require site plan review.

The parking lot was addressed. Lighting of the parking lot and the ingress and egress of the location was discussed. There was concern about the configuration. Research will be conducted as to when the last Department of Transportation review was conducted and what that review indicated.

3. Club Life Sports Zone: US Route 9. Same applicant as Club Life: Sports and Fitness.

See the above item for further information regarding this application. Items addressed were bathrooms and showers and the additional load on the septic. Certain items were requested to be added to the plans, entrance, canopy, lighting, etc. It was requested that parking spaces were more clearly delineated. The conversation returned to concerns about the entrance and lighting. Landscaping regulations were also discussed.

4. Russell Beck: Change of Use. Old Toyota of Kinderhook on Route 9H

Kim Keal representing Valley Energy addressed the Board. Valley Energy is considering purchasing the former Toyota of Kinderhook location. The intent would be to install a gas station and convenience store at the location. Additionally, they would like to relocate the Miller Wilkins office to have a more visible presence. The zoning was determined to be B1/MFO (Business/Multi Family Overlay). The building has been unoccupied and for sale for some time. The acreage of the property was of question. There are additional questions about the number of parcels and deeds. Department of Transportation would need to be consulted regarding curb cuts. The next step, if the property was purchased, would be to file an application for site plan review. It was suggested that Morris Associates may have past surveys. It was noted that Eddie Habek is the current owner.

**F. ZBA Opinions**

**G. Liaisons**

1. Village Planning Boards: Liaison was excused.
2. Town Board: Hiring staff for the summer program.
3. Comprehensive Plan Review Committee: Plan going before County Planning on June 18.

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4. NYSEG Project: Hearing in Ghent to occur on Friday afternoon.

**H. Other**

1. Public Comment

None

Motion to adjourn by Ms. Cavagnaro; seconded by Mr. Berlin. Meeting adjourned at 8:45pm.

Respectfully Submitted,

Nataly Dee, Secretary